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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,542	12/19/2001	Reynaldo Gil	21-013 ITW 20550	2451
68495	7590	12/19/2007		EXAMINER
PERRY HOFFMAN AND ASSOCIATES, P.C. P.O. BOX 1649 DEERFIELD, IL 60015				JEANTY, ROMAIN
			ART UNIT	PAPER NUMBER
			3623	
			MAIL DATE	DELIVERY MODE
			12/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/028,542	GIL ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Romain Jeanty	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10/18/2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This Final Office action is in response to the amendment filed on October 18, 2007.

Claims 1-59 are pending in the application.

### **Response to Amendment**

2. Applicant's amendment to the claims filed on October 18, 2007 is acknowledged and found to be persuasive.

### **Response to Arguments**

3. Applicant's arguments filed October 18, 2007 have been fully considered but they are not persuasive.

Applicant asserts that the claims of the invention are not anticipated by Eicher, et al. "Eicher". Applicant further supported his assertion by arguing on page 9 that that Eicher does not disclose a supply chain management at all. Applicant further illustrated figure 16 of Eicher to show how data are extracted from records of completed transactions and transforms this data into reports that indicate how well the partners to a series of transactions have performed. In response, the Examiner respectfully disagrees because Eicher does disclose a system and method to provide end-to-end performance-based **supply chain management system** that provides for set-up of a supply driven electronic commerce (e-commerce) system to allow buyers and suppliers to view others' capabilities, products and services (the examiner interprets allowing traders to view other trader's product and services as "trading transactions". Note Paragraph 0017 of Eicher.

In response to applicant's argument on page 11 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **the Eicher system does not actively participate in any actual trading**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 SPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues on page 14 that independent claims call for "receiving a request for the transaction from an end-user ..." and "processing the request in the context for the transaction.", "an execution process engine operable to execute a respective workflow in the context for each transaction, each workflow comprising a plurality of tasks to be performed by the enterprise or the partner in order to fulfill the respective transaction.", "at least one process workflow executing on a processing facility, the process workflow operable to process the transaction, and for "a network execution component operable to administer a transaction involving an enterprise and at least one partner in the supply chain.", and applicant argues that Eicher does not satisfy the requirements quoted above.

In response, the Examiner respectfully disagrees because Eicher does teach a server for receiving transaction information from different users and storing the transaction data to be executed, processing the transaction information, and a workflow associated with tasks to be performed in order to fulfill the transaction between the users. Note Paragraphs 0024, 0110, and 0185 of Eicher.

Applicant further argues that the claims call for the use of "real-time" data", and a "a database..... ....", and applicant argues that Eicher does not teach a such real-time and such

database. In response, the Examiner respectfully disagrees because Eicher does teach a supply chain management system comprising real-time and a database. Note Paragraphs 0136 and 0166 of Eicher.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

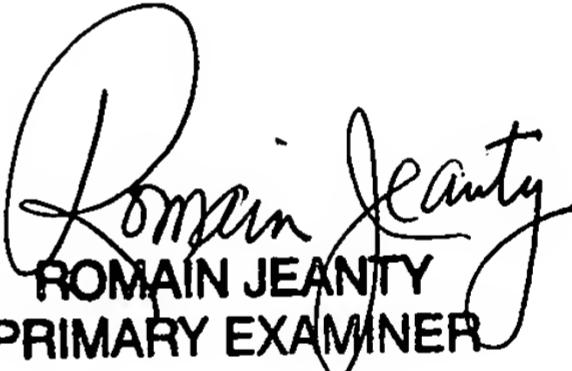
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 14, 2007



ROMAIN JEANTY  
PRIMARY EXAMINER